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OLC 71-1172

2 November 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Conversations with Senate Armed Services Committee Staff Regarding the Symington Amendment to the Military Procurement Act

1. In the course of conversations with Ed Braswell and Jim Woolsey today on a number of subjects, we covered the matter of the Symington amendment to the Military Procurement Act and the action that might be taken by the House/Senate conferees on this amendment. Both men reported that the Symington amendment had been discussed at Monday's meeting of the House/Senate conferees and although no action was taken it was generally agreed that clarifying language would be placed in the Joint Explanatory Statement of the Committee of Conference. The language will indicate in general terms that the Symington amendment ceiling of [redacted] was not intended to cover normal embassy expenses and the cost of operating [redacted] Braswell had some problem with the use of the term "country team" to avoid a reference to costs of maintaining intelligence collection capabilities in Laos on the grounds that the term might have meaning in the Executive Branch, but was not well known in the Congress. Further, since CIA was a member of the country team it could be argued that this was a move to exclude all CIA expenditures in Laos (including the cost of paramilitary operations there). Mr. Maurice Lanman, DOD, had suggested including a phrase such as the cost of "intelligence gathering." I expressed some difficulty with this and said I would confer with our people and be back in touch with them.

25X1

25X1

25X1

2. After talking with Messrs. [redacted] I offered several suggestions such as "other U.S. activities and the normal operations of the embassy" or "the cost of operating the embassy and those other non-combat or nonmilitary expenditures." Both of these are also subject to misinterpretation however. As an alternative we considered use of the phrase "those expenditures not directly related to paramilitary operations." Woolsey said in any event they understood the problem and would work with the House Armed Services staff in an effort to come up with some acceptable words.

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3. I mentioned to Woolsey that while we were not attempting to stretch Senator Symington's agreement on exclusions of normal costs of intelligence collection from the Laos ceiling, questions had arisen with respect to certain types of activities. I mentioned specifically [redacted] 25X1
25X1 [redacted] conducted purely for intelligence gathering but which could result in hostile fire or combat situations.

4. Woolsey said he thought the Agency should be governed by the fact that Senator Symington is coming to believe that no one in the Administration will stick by their word and, therefore, we should do nothing which would give the Senator the impression that we were taking advantage of him. However, with respect to [redacted] I mentioned 25X1
I thought it could well be argued that the cost of such activities was not intended to be included in the [redacted] ceiling. I then cited the question 25X1
of contract air support with respect to the words in the Symington amendment excluding the costs of combat air operations by U.S. military forces in or over Laos. Woolsey felt that, since the cost of contract air support
25X1 had been included in the [redacted] figure given the Armed Services Committee by the Department of Defense, the Executive Branch should not now give the impression of welshing on that item. 25X1

[redacted]
Deputy Legislative Counsel

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